

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Krystal Leanne Hodges, Individually, and)	Civil Action No. 8:18-cv-02165-DCC
as the Appointed Personal Representative of)	
the Estate of Devin Pressley Hodges,)	
)	UNITED STATES' MOTION
Plaintiff,)	FOR A STAY OF THE CASE IN
)	LIGHT OF APPROPRIATIONS
vs.)	
)	IN ADMIRALTY
The United States of America,)	
)	
Defendant.)	
_____)	

The United States of America hereby moves for a stay of the case in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” Title 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the case until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Opposing counsel has no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the case in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: January 3, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

SHERRI A. LYDON
United States Attorney

By: s/Lee E. Berlinsky
Lee E. Berlinsky (#5443)
Assistant U.S. Attorney
151 Meeting Street, Suite 200
Charleston, SC 29402
Telephone: (843) 727-4381
Lee.Berlinsky@usdoj.gov

ORLA M. BRADY (NY 4639241)
Trial Attorney
United States Department of Justice
Civil Division, Torts Branch
Post Office Box 14271
Washington, DC 20044-4271
Telephone: (202) 514-0372
Orla.M.Brady@usdoj.gov
Pro Hac Vice

SAM W. ESCHER
Trial Attorney
United States Department of Justice
Civil Division, Torts Branch
Post Office Box 14271
Washington, DC 20044-4271
Telephone: (202) 305-8049
Sam.W.Escher@usdoj.gov
Pro Hac Vice

Attorneys for the United States of America